

**REMARKS:****I. Introduction**

In the Office Action mailed on February 13, 2006, the Examiner rejected claims 1 to 3, 5 to 9, 11 to 14, 18 to 24, 27 to 32, 34, and 36 to 40. The present amendment cancels claims 1 to 9, 11 to 16, and 18 to 22, amends claims 23 and 31, and adds new claims 41 to 50. Accordingly, claims 23 to 25, 27 to 34, and 36 to 50 are now pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 102(b)**

The Examiner rejected claims 11 to 14, 20 and 21 under 35 U.S.C. 102(b) as being anticipated by Victor (US 676,163).

Claims 11 to 14, 20, and 21 have been cancelled without prejudice as to later claiming the subject matter in this or a continuing application.

**III. Claim Rejections Based on 35 U.S.C. § 103(a)**

(a) The Examiner rejected claims 1 to 3, 7, and 8 under 35 U.S.C. 103(a) as being unpatentable over Victor (US 676,163) in view of Allsop et. al. (US 6,764,093).

Claims 1 to 3, 7, and 8 have been cancelled without prejudice as to later claiming the subject matter in this or a continuing application.

(b) The Examiner rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable Victor (US 676,163) in view of Allsop et. al. (US 6,764,093) and further in view of Aielli (US 6,186,523).

Claims 5 and 6 have been cancelled without prejudice as to later claiming the subject matter in this or a continuing application.

(c) The Examiner rejected claims 18, 19, 23, 27, 28, 30 to 32, 36 and 38 to 40 under 35 U.S.C. 103(a) as being unpatentable Victor (US 676,163) in view of Gibbons (US 3,743,312).

Re. Application Number 10/805,685

Page 7 of 10 pages

Gibbons discloses a combined wheelbarrow and hand truck wherein a tub (30) is secured to a pair of spaced-apart runners (14) to form a wheelbarrow and the tub (30) is removed from the runners (14) to form the hand truck. The runners (14) are rigidly secured to one another and are not movable relative to one another. The tub (30) includes four downwardly extending bolts welded thereto that pass through vertically-extending openings in the runners (14) and wedges (12). Wing nuts (24) are applied to the bottom of the bolts to secure the tub (30) to the runners (14).

The wheel barrow according to the present invention operates in a very different principle where a clamping device extends between the handle arms to removably apply a laterally extending clamping force between the handle arms. The laterally-extending clamping force moves the handle arms in a direction toward and away from one another to clamp the tray therebetween. Assuming arguendo that the bolt and nuts (24) of Gibbons are a clamping device, the bolts and nuts (24) clearly do not (1) extend between the first and second handle arms, (2) apply a laterally-extending clamping force between the first and second handle arms, or (3) move the first and second handle arms relative to one another in a lateral direction.

Claims 18 and 19 have been cancelled without prejudice as to later claiming the subject matter in this or a continuing application.

Independent claims 23 and 31, and claims dependent therefrom, are allowable because they each include the limitations of "a clamping device extending between the first and second handle arms and removably applying a laterally-extending clamping force between the first and second handle arms to move the first and second handle arms relative to one another in a lateral direction and clamp the tray between the first and second handle arms. No prior art of record reasonably discloses or suggests the present invention as defined by claims 23 and 31.

(d) The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Victor (US 676,163) in view of Allsop et. al. (US 6,764,093) and further in view of Donze et. al. (US 5,026,079).

Claim 9 has been cancelled without prejudice as to later claiming the subject matter in

Re. Application Number 10/805,685

Page 8 of 10 pages

this or a continuing application.

(e) The Examiner rejected claim 22 under 35 U.S.C. 103(a) as being unpatentable over Victor (US 676,163) in view of Donze et. al. (US 5,026,079).

Claim 22 has been cancelled without prejudice as to later claiming the subject matter in this or a continuing application.

(f) The Examiner rejected claims 24 and 34 under 35 U.S.C. 103(a) as being unpatentable Victor (US 676,163) in view of Gibbons (US 3,743,312) and further in view of Leger et al. (US 6,017,053).

Claims 24 and 34 are allowable as depending from allowable independent claims 23 and 31 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

(g) The Examiner rejected claims 29 and 37 under 35 U.S.C. 103(a) as being unpatentable Victor (US 676,163) in view of Gibbons (US 3,743,312) and further in view of Donze et. al. (US 5,026,079).

Claims 29 and 37 are allowable as depending from allowable independent claims 23 and 31 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

#### **IV. CONCLUSION**

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

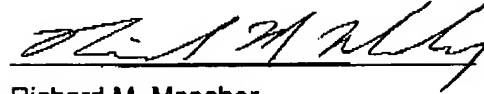
If there are any fees resulting from this communication, please charge same to our

Re. Application Number 10/805,685

Page 9 of 10 pages

Deposit Account No. 16-2326.

Respectfully submitted,



Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

June 7, 2006

Re. Application Number 10/805,685

Page 10 of 10 pages

COLUMBUS/125908 v.02